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SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
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TO: All Commissioners and Alternates
FROM: Michael B. Wilmar, Executive Director

SUBJECT: PROPOSITION 13, THE WATER RESOURCES CONSERVATION AND EFFICIENCY ACT
(For Commission consideration on September 16, 1982)

To maintain adequate fresh water inflow into San Francisco Bay, the staff believes that Proposition 13 on the November ballot, the Water Resources and Efficiency Act, is at least as important, if not more so, than Proposition 9, the Peripheral Canal referendum. Significant as it was, the referendum on Proposition 9 dealt with only half of the inflow equation; major new facilities that would have made it much easier to divert additional amounts of freshwater to the South. Proposition 13 deals with the other half of the equation: management of California's water resources to reduce additional diversions using the existing water project facilities. Such increased diversions are very likely, and thus if Proposition 13 does not pass, the referendum on Proposition 9 could turn out to be a Pyrrhic victory.

The Commission has emphasized the need to establish a comprehensive water management policy in the State to reduce long term demands for increased diversions of fresh water from the Delta and protect fresh water inflow to the Bay. For example, when it acted to oppose SB 200, in June of 1979, the Commission also stated that any such legislation "should be connected to a comprehensive reform of the State's water policy including protection of instream beneficial uses, effective groundwater management, effective conservation and reclamation programs, and reform of the water pricing system so that the unsubsidized cost of new water sources is more accurately reflected in the cost to the users." The Legislature has been unable to agree on such a policy, although several attempts were made by Assemblymen McCarthy and Kapiloff, and such a program was recommended by the Governor's Commission to review California Water Rights Law, chaired by former Chief Justice Wright. Due to the Legislature's inability to reach an agreement, an initiative covering this subject was qualified for the November 1982 ballot. Entitled The Water Resources Conservation and Efficiency Act, it was drafted by the director of the staff of the Governor's Commission and will be listed as Proposition 13. The staff recommends the Commission support the initiative (see attached) because it provides the basic policy framework needed to rationalize water development and use in California and will reduce the ever increasing demands on the fresh water flowing into the Bay.

Increased Diversions and Their Impacts on the Bay

Even assuming the Peripheral Canal is not resurrected or replaced by a non-isolated connection through the Delta, more of the fresh water that now flows into the Bay can be diverted and exported south. Existing State

contracts with southern water users call for those increased diversions, and the Department of Water Resources is also proposing to add four additional pumps to the pumping plant in the south Delta.

Exports currently planned will significantly reduce the amount of water flowing through the Delta to the Bay. The Department of Water Resources (DWR) estimates that average Delta outflow will drop from the historic level of 21.4 million acre feet (MAF) to 10.5 MAF by the year 2000. A report produced for the Association of Bay Area Governments (ABAG) concluded that Delta outflows in the year 1990 are predicted to be 58 percent less in a normal year, 38 percent less in a wet year, and 52 percent less in a dry year. In addition to lowered average flows, the seasonal nature of those flows will be changed, with winter and spring flows reduced in magnitude and duration.

In addition to the obvious concerns from agricultural, municipal and industrial users for good quality water with a low salt content, fresh water inflow has many impacts on the resources of the Bay Area. Among them are:

a. Fresh water is needed at certain times of the year for managing the wetlands of the Suisun Marsh to provide proper food supplies for waterfowl;

b. Spawning and the subsequent movement downstream of juvenile fish is dependent upon fresh water flows for many species;

c. Supplies of silica and detritus, necessary for food and growth of many aquatic organisms will be reduced with reduced inflow;

d. The amount of suspended sediments, which affects the amount of light penetration in the water and therefore may affect the growth of undesirable algae, would be decreased with reduced inflows;

e. The "entrapment zone," where fresh and salt water meet and the location of which is highly important to aquatic life, would move further east where its productivity is lower with reduced inflows;

f. Periods of vertical salinity stratification, which may be important for certain organisms such as crabs, shrimp and young anadromous fish, will be reduced with less inflow; and

g. The flushing of toxicants will be reduced with reduced flows.

Need for Water Policy Reform

Although urban Southern California uses slightly more than a third of the water exported by the State Water Project (SWP) in a normal year, urban uses only account for about 15 percent of the water used in the State.

Agriculture accounts for about 85 percent of the water used. Thus, although the urban sector may increase its proportion slightly in the future, growth in urban demands for water is overshadowed by the potential for increased long-term demands in the agricultural sector.

Historically, agricultural interests in the San Joaquin Valley have refused to deal directly with their overdrafting of groundwater supplies. Rather than taking marginal land out of production or developing conservation and reclamation measures to their fullest, the Valley has relied on obtaining increased supplies of imported water. Increasing the supplies of imported water coupled with the unwillingness to deal with the overdraft, however, has simply resulted in more irrigated land being brought into production with no decrease in the overdraft. Moreover, the lands brought into production are increasingly marginal and require more water per acre. The salt management problems of the Valley are exacerbated and the continuing overdraft results in demands for more imported water.

Without new legislation, it is likely this historical trend will continue. Agricultural interests testified in 1979 Assembly hearings that they expected about 200,000 acres of additional land to be irrigated in the San Joaquin Valley just by the year 2000. That amount of additional land can be expected to require about a million acre-feet of water per year or roughly the size of the existing overdraft in the southern half of the San Joaquin. Thus, even if the water development facilities proposed in SB 200 were constructed, agricultural interests were expecting another overdraft which would generate future demands for additional imported water. It is this ever-increasing demand for more water which has created the demands for strong guarantees to protect the Bay-Delta System.

Continued importation of water to the Valley has also been encouraged by direct and indirect subsidies and by spreading costs through average cost pricing and use of the property tax. Federal Central Valley Project (CVP) water is subsidized directly by not requiring the repayment of interest. The SWP also subsidizes water costs, although to a much lesser degree, by using tidelands oil revenues and State financing at less-than-market interest rates. The cost of water from new facilities to the individual farmer is also disguised by averaging the cost of that new water into the Delta water rate and in some areas by spreading part of the cost to the local property tax. Thus, just the average capital costs of building the facilities called for in SB 200 would have resulted in a cost of about $90 per acre-foot of yield for new water, but DWR estimated that individual farmers would only see an increase in the Delta water rate from about $11 per acre-foot in 1979 to $44 per acre-foot by the year 2000.

This system of disguising the cost of new water to the individual farmer has led to a situation where the true economic cost of new water supplies is not recognized in the decision to build new facilities. There are few agricultural crops that produce enough to pay the real costs of new water. DWR estimates that feed and forage crops account for about two-thirds of the net demand for water in this State and those crops together with cotton are the crops most likely to be grown on the marginal lands that are now available for expansion. DWR, however, estimated the payment capacity of those crops for water ranges from only $5.82 to $28.51 acre-foot for the 1970-1974 period.

If the true marginal cost of producing new water for such crops were recognized, the long-term demand for such facilities would undoubtedly be reduced. The recognition of that marginal cost of new water, however, must be made before the decision is made to build the facilities. Once the facilities are constructed, the capital cost must be paid off whether more water is used or not. The cost of water actually used is then only the transportation costs (a cost that DWR expects to subsidize by building its own power plants).

Conservation and reclamation projects also have the potential for reducing the need for exporting additional water from the Delta. For example, it has been estimated that between .5 and 1 MAF is lost through unlined and uncovered ditches in the Imperial Valley each year. It may be possible to yield the same amount by reclaiming agricultural waste water for use by salt tolerant plants. The ability of urban users to conserve water has already been demonstrated during the past drought. Without an incentive to make use of these techniques, however, it is unlikely that such measures will be implemented on a large scale before additional water is diverted from the Delta. Without any new policy direction from the State, the existing system does not encourage the most efficient use of the limited water that is available.

Summary of Water Resources Conservation and Efficiency Act

The Water Resources initiative was a response to the inability of the Legislature to agree on reforms to the system of water development and management. A summary of its provisions follow:

A. Water Conservation. Every water contractor or supplier of more than 20,000 acre-feet of water per year engaged in interbasin transfers of water must prepare a water conservation program, and no new interbasin transfers of water can take place until the program is approved by the State Water Resources Control Board. No new water can be imported if the water conservation program identifies cheaper sources of water than the marginal cost of new supplies. Any permit issued by the State Water Resources Control Board for interbasin transfers of water must contain conditions requiring implementation of the water conservation program.

B. Instream Beneficial Use Protections. Instream uses of water are to be given equal consideration with other uses of the water in appropriations decisions, and the State Water Resources Control Board is empowered to establish instream flow protection standards. Water for instream uses may also be appropriated.

C. Stanislaus River. Prohibits storing water in the New Melones Dam for purposes other than satisfying vested rights, fish and wildlife, water quality and flood control unless the operator of the Dam has entered into long-term contracts representing 75 percent of the firm yield of the project. Political subdivisions of the State, such as water districts, cannot enter into such contracts unless the contract price of the water covers the full cost of construction, operation, maintenance and delivery.

D. Groundwater Management. Defines the 11 critically overdrafted groundwater basins in the State and requires a groundwater management authority to be established in each basin by the local government entities. The State Water Resources Control Board designates the groundwater management authority if there are disputes or if the local agencies do not nominate an authority. The groundwater management authorities have the power to limit or control the extraction of groundwater. The groundwater management authorities have two years to prepare a groundwater management program, including methods to implement the program, and the program must be approved by the State Water Resources Control Board. Until a program has been approved, no new land can be irrigated in the critically overdrafted basins. The State Water Resources Control Board cannot approve a permit for an interbasin transfer of water into a critically overdrafted basin until a groundwater management program has been approved. Small wells are exempted from any provisions of the Act.

E. Amendments. The Act can be amended by majority vote in the Legislature only to further the purposes of the bill, and the State Water Resources Control Board must give notice to all interested parties 20 days before passage in each house.

Staff Recommendation

With the exception of the provisions concerning the Stanislaus River and amendment procedures, the provisions contained in the Water Resources Conservation and Efficiency Act have previously been supported in concept by the Commission. During those discussions, the Commission has determined that such provisions were necessary to reduce long term demand for water from the Delta and to protect the Bay. The staff believes that the Stanislaus River provisions offer a reasonable compromise to a bitterly disputed battle that will allow eventual filling of the New Melones Dam, but only if there is a need for the water that is reflected in contracts charging the full cost of the water. As this is the type of water pricing the Commission has supported, the staff believes it is consistent with the Commission's past positions. Therefore, the staff recommends the Commission support Proposition 13.

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INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purposes and points of the proposed measure:

WATER RESOURCES--STATUTORY INITIATIVE. Adds numerous sections to Water Code Principal provisions:

1. Interbasin water transfers--requires development and implementation of specified water conservation programs for annual appropriations of more than 20,000 acre-feet.

2. Instream appropriations--allows for fishery, wildlife, recreational, aesthetic, scientific, scenic, water quality, and other uses.

3. Stanislaus River and New Melones Dam--specifies conditions concerning water storage and uses.

4. Groundwater--declares eleven named basins critical overdraft areas and establishes management authorities in these with specified duties and powers, including authority to limit, control, or prohibit groundwater extractions.

Also contains policy statements, enforcement, and other provisions. Fiscal impact on state and local governments: The Legislative Analyst and the Director of Finance advise that adoption of this measure would have the following impacts. At the state level, State Water Resources Control Board costs of about $1.2 million annually (1981 prices) to implement and administer its added responsibilities for water conservation, instream protection and groundwater management. The Attorney General's Office may incur unknown costs depending on the extent of litigation resulting from the initiative. At the local level, unknown costs to affected agencies primarily for the development of water conservation programs, groundwater management programs and the increased price of water from the New Melones Project. There is a potential for long-term savings to the state and affected local agencies depending on the amount of water and energy saved.

SECTION 1. Division 8 (commencing with Section 1500) is added to the Water Code, to read:

DIVISION 8. WATER RESOURCES CONSERVATION AND EFFICIENCY ACT

PART 1. GENERAL DECLARATIONS AND POLICY

15000. This division shall be known and may be cited as the "Water Resources Conservation and Efficiency Act."

15001. The people of the State of California find and declare as follows:

(a) The waters of the state are a limited resource subject to ever increasing demands.

(b) Conservation and the efficient management of water resources are necessary to meet the competing needs of urban communities, industry, agriculture, and recreation.

15002. In order to promote balanced development and preservation of water resources for the benefit of present and future generations of Californians, the people of the State of California further find and declare as follows:

(a) Cost-effective methods of water conservation shall be promoted.

(b) Water development and use shall conserve water in rivers, streams and lakes, for fishing, recreation, wildlife support, water quality control, and related purposes.

(c) The Stanislaus River Canyon is an historical, geological, and natural treasure. At the present time, filling the New Melones Reservoir to a moderate level is an effective compromise that will provide for irrigation, flood control, power generation, and water quality enhancement, while preserving the natural and recreational qualities of the canyon.

(d) Underground water is a shared resource. Successful groundwater management programs, such as those of Los Angeles, Orange, Riverside, San Bernardino, and Santa Clara Counties, and other areas of the state, should be adapted to those parts of California known to have critically overdrafted groundwater basins.

PART 2. WATER EFFICIENCY AND CONSERVATION

15100. It is the policy of the State of California that:

(a) Conservation and the efficient use of water shall be vigorously pursued to protect both the people of the state and their water resources.

(b) Economic efficiency in water allocation and use requires that those who receive water from a water project pay their full proportionate share of the costs of developing and delivering that water, that subsidies shall be discouraged, that the use of property taxes to pay for any cost of water development or delivery shall be minimized, and that property taxes shall be phased out for payment of such costs associated with developed water supplies.

(c) Efficiency also requires that additional water importation be considered only where economically competitive water conservation programs are developed and implemented in the importing area.

15101. As used in this part:

(a) "Basin" means a hydrologic study area described in Department of Water Resources Bulletin 160-74: except that, for the purposes of this part, the Sacramento Basin and the Delta-Central Sierra Basin shall be deemed a single hydrologic basin.

(b) "Interbasin transfer" means the transfer of water for use in a basin other than the basin in which the source of the water is located.

(c) "Public agency" means (1) any state or federal agency; and (2) any city, city and county, county, or district organized, existing and acting pursuant to the laws of this state.

15102. Every water supplier of, or contractor with the state or federal government for more than 20,000 acre-feet of water per year engaged in or contracting for the interbasin transfer of water on the effective date of this division, regardless of the basis of water right, shall on or before January 1, 1985, prepare and submit to the board a water conservation program as provided in Section 15104. After the effective date of this division, no such supplier or contractor shall make a new or increased interbasin transfer of water, regardless of the basis of water right, unless and until an adequate water conservation program has been prepared and is being adequately implemented, as determined by the board.

15103. An application to appropriate more than 20,000 acre-feet of water involving an interbasin transfer of water shall include a water conservation program as provided in Section 15104. Any permit or license issued by the board for an appropriation of water to which this section applies shall contain a condition requiring the continued satisfactory implementation of the water conservation program.

15104. The water conservation program shall be consistent with the policies in this division, and shall identify all reasonable water supply alternatives, including, but not limited to (1) water conservation and other practices to achieve greater efficiency in water use, (2) waste water reclamation, (3) improved water management practices, including groundwater management and conjunctive use of ground and surface waters consistent with any groundwater management program adopted pursuant to Part 4 of this division (commencing with Section 15300), (4) any pricing and rate structure change which would result in water conservation, (5) banking of water supplies for use in water deficient years, (6) interbasin and intrabasin transfers of developed water supplies, and (7) inbasin conventional water supply development. Any measure which would substantially impair significant wetlands shall not be deemed a reasonable water supply alternative. The water conservation program shall include, but not be limited to, a comparison of costs and a plan for implementation of alternatives. Where implementation of a water conservation program, or a portion thereof, will cost less on a marginal-cost basis than importation of additional supplies, the program, or portion thereof, shall be implemented prior to commencing additional importation projects. Implementation of alternatives shall include adoption of all necessary ordinances or regulations.

15105. Any public agency, water supplier or water contractor shall have the power to use any existing financing authority to implement a water conservation program as described in Section 15104.

15106. (a) No provision of this part shall be construed to endorse, require, or prohibit the construction, maintenance, or use of the facility authorized by subdivision (a) of Section 11255 (as added by Chapter 632, Statutes of 1980 (S.B. 200)), if Chapter 632 is effective.

(b) Nothing in this section shall affect any obligation of any person or entity under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

PART 3. INSTREAM PROTECTION

CHAPTER 1. GENERAL PROVISIONS

15200. (a) It is the purpose and intent of this part to conserve a reasonable amount of water in the streams, rivers, lakes, bays, estuaries, and wetlands of the state for the benefit of present and future generations of Californians.

(b) It is hereby declared to be the policy of the state that instream uses of water be given due consideration in the state's water rights permit and license system.

15201. Water may be appropriated for reasonable and beneficial instream uses, including, but not limited to, fishery and water-related wildlife uses and recreational, aesthetic, scientific, scenic, and water

quality uses in the same manner as water is appropriated for other uses pursuant to Part 2 (commencing with Section 1200) of Division 2.

15202. The appropriation of water pursuant to this part does not require the diversion or any other form of physical control of the water appropriated. No change in place of use by an appropriator under Chapter 10 (commencing with Section 1700) of Part 2 of Division 2 shall be allowed for any appropriation of water for instream use, nor shall the right to appropriate water for instream uses create in the appropriator any right to exclude others from any beneficial, reasonable instream use of that water which is consistent with and does not impair the use for which the water is appropriated.

15203. Whenever an applicant for a permit to appropriate water pursuant to Division 2 (commencing with Section 1200) proposes a project or proposes the appropriation of water which may have an adverse impact on instream uses, the board shall allow the appropriation only upon the condition that the permittee implement measures to offset those impacts. The board shall reserve jurisdiction with respect to the provisions of any condition included in a permit or a license subject to this section.

15204. The board may establish instream flow protection standards to implement this part, provided that no such standards shall impair vested water rights.

CHAPTER 2. STANISLAUS RIVER

15225. In order to prevent the waste, unreasonable use, or unreasonable method of diversion of water, as provided in Section 2 of Article X of the California Constitution, the impoundment of water behind New Melones Dam on the Stanislaus River, except as required for (1) satisfaction of vested rights, (2) releases to preserve and enhance fish and wildlife, (3) releases for water quality control purposes, (4) flood control purposes, and (5) generation of hydroelectric power only to the extent that the water is stored and released for one or more of the four purposes listed above, shall be prohibited until the project operator has entered into long-term water service contracts for specific municipal, industrial, or agricultural uses representing at least 75 percent of the firm yield of the New Melones Project, as determined by the board.

15226. No person, state agency, subdivision of the state, state-regulated agency, or entity organized under the laws of the State of California shall enter into any contract for the purchase and delivery of water from the New Melones Project unless the contract provides for the payment by the purchaser of the purchaser's proportionate share of both of the following:

(a) All operation, maintenance, and delivery costs for the New Melones Project and related conveyance facilities during the term of the contract; and

(b) The construction costs of the New Melones Project without subsidy from other facilities or other water users.

15227. For the purposes of Section 15226, "cost" means the cost as allocated to water supply elements of the New Melones Project when the Water and Power Resources Service (now the Bureau of Reclamation) of the United States Department of the Interior assumed responsibility for the project from the United States Army Corps of Engineers on November 20, 1979.

15228. Any person, state agency, subdivision of the state, state-regulated agency, or entity organized under the laws of the State of California entering into an agreement for the purchase and delivery of water from the New Melones Dam Project shall condition its agreement to provide that the agreement shall not be in full force and effect until long-term water service contracts are signed representing 75 percent of the firm yield of the New Melones Project.

15229. In complying with the terms of this chapter, the board shall, to the extent possible, restrict storage of water in the New Melones Reservoir to the area downstream of Parrott's Ferry Bridge, 808 feet above mean sea level.

PART 4. GROUNDWATER RESOURCES CONSERVATION

CHAPTER 1. FINDINGS AND DECLARATIONS OF POLICY

15300. The people of the State of California find and declare all of the following:

(a) Conditions of critical groundwater overdraft currently exist in several areas of the state, adversely affecting water resources throughout the entire state.

(b) Local groundwater resources shall be managed to avoid conditions of long-term overdraft, land subsidence, water quality degradation, and other significant environmental harm.

(c) Local economies shall be built and sustained on reliable, long-term water supplies and not upon long-term overdraft as a source of water supply.

15301. The people, however, recognize that, in certain areas, long-term overdraft cannot immediately be eliminated without causing severe economic loss and hardship. In those areas, the groundwater management programs provided for in this part shall include all reasonable measures, consistent with the policies and provisions of this division, to prevent a further increase in the amount of long-term overdraft and to accomplish continuing reduction in long-term overdraft.

CHAPTER 2. DEFINITIONS

15310. As used in this part:

(a) "Groundwater" means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water. Groundwater does not include water subject to the existing permit and license system administered by the board.

(b) "Local entity" means any city, city and county, or county. Local entity also means any public utility, mutual water company, or general or special district or agency, provided it is authorized to acquire, develop, replenish, or otherwise manage or regulate water supplies. Any member entity of a district, agency, or authority, including a joint powers authority, shall also be considered a local entity for the purposes of this part.

(c) "Long-term overdraft" means the condition of a groundwater basin in which the average annual amount of water extracted for a period of five years or more exceeds the average annual supply of water for that period to the basin, plus any temporary surplus.

CHAPTER 3. CRITICAL GROUNDWATER OVERDRAFT AREAS

15320. The following groundwater basins identified in Department of Water Resources Bulletin 118-80 are hereby declared to be critical groundwater overdraft areas and shall establish groundwater management authorities and otherwise comply with the provisions of this part (a) Santa Cruz-Pajaro Basin; (b) Cuyama Valley Basin; (c) Ventura County Basin; (d) Eastern San Joaquin County Basin; (e) Chowchilla Basin; (f) Madera Basin; (g) Kings Basin; (h) Kaweah Basin; (i) Tulare Lake Basin; (j) Tule Basin; and (k) Kern County Basin.

CHAPTER 4. GROUNDWATER MANAGEMENT AUTHORITIES

15330. Within one year after the effective date of this division, the local entities within a critical groundwater overdraft area designated in Section 15320 shall identify a responsible authority to carry out the groundwater management requirements of this part and shall transmit their nomination to the board. The board shall designate the authority nominated by the local entities as the groundwater management authority for the area unless an objection is filed with the board by a local entity in the area within 60 days after the transmittal of the nomination to the board.

15331. In making their nomination pursuant to Section 15330, the local entities in a critical groundwater overdraft area shall nominate one of the following from their area, as the responsible groundwater management authority for their area: (a) a local entity which is a public agency; (b) a

joint powers authority organized under Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code; or (c) a groundwater management district organized pursuant to law, if and when such a law is enacted.

15332. If, one year after the effective date of this division, the local entities within a designated critical groundwater overdraft area have not nominated a responsible authority as provided for in Section 15330 and 15331, or an objection to the nomination has been properly filed with the board, the board shall, after notice and opportunity for hearing, expeditiously determine whether any existing public local entity can effectively serve as the groundwater management authority for the area. Where the determination is made in the affirmative, the board shall designate a public local entity as the groundwater management authority for the area.

15333. If, pursuant to Section 15332, the board determines that no existing public local entity can effectively serve as the groundwater management authority, the board shall provide notice of the determination to all local entities within the area. Upon receipt of the notice, the local entities within the area shall, within 180 days, create a joint powers authority for the purposes of meeting the groundwater management requirements of this part, which authority shall be designated by the board.

15334. Any groundwater management authority designated by the board pursuant to this part may exercise as appropriate, any of the powers set forth in (a) the Orange County Water District Act (Chapter 924, Statutes of 1933 as amended on or before the effective date of this division); (b) the Sierra Valley Groundwater Basin Act (Chapter 449, Statutes of 1980); or (c) future legislation authorizing additional powers for groundwater management authorities. In addition, any such authority shall have the power to limit, control, or prohibit extraction of groundwater within the groundwater management area to respond to conditions of long-term overdraft, subsidence, water quality degradation, significant environmental harm, well interference, or the threat of any of those conditions.

CHAPTER 5. LOCAL GROUNDWATER MANAGEMENT PROGRAMS

15340. Not later than two years after a groundwater management authority is designated, the authority shall adopt a groundwater management program for the area.

15341. (a) Each groundwater management program shall include a detailed statement of groundwater management objectives. These objectives shall include, but shall not be limited to, all of the following:

(1) Reduction of water demand by means of water conservation, waste water reclamation, and other means;

(2) Preservation and improvement of water quality by means of soil and drainage management;

(3) Effective use of the storage capacity of the groundwater basins; and

(4) Maintenance of groundwater supplies to provide water for wetlands.

(b) Groundwater management objectives shall be consistent with the policies and provisions set forth in this division.

15342. Each groundwater management program shall include a plan of implementation for achieving the groundwater management objectives stated. The plan of implementation shall describe the actions necessary to achieve the groundwater management objectives stated and set a time schedule for each action to be taken.

15343. Groundwater management programs shall be reviewed periodically and may be revised. Any revision of a groundwater management program shall be subject to all the requirements for the adoption of an intitial groundwater management program.

15344. A groundwater management program or a revision of a program shall not become effective unless and until, after notice and opportunity for hearing, it is approved by the board.

15345. The board shall act upon any groundwater management program or revision within one year after its submission to the board.

15346. The board shall approve a groundwater management program or revision where it finds that the groundwater management objectives and implementation plans stated in the program are consistent with the policies and provisions of this division, and that the implementation plan will be adequate to achieve the groundwater management objectives stated in the program.

CHAPTER 6. PROGRAM IMPLEMENTATION

15350. One year after the effective date of this division no land within any critical groundwater overdraft area shall be irrigated unless the land has been irrigated for at least one growing season in the immediately preceding three calendar years.

15351. The restriction in Section 15350 shall remain in force in any critical groundwater overdraft area until the board has approved the program pursuant to Section 15346. Upon application, the board may grant individual exemptions to the requirements of Section 15350 where the board finds that the development would not result in the net increase of water use within the critical groundwater overdraft area and would otherwise be consistent with Section 2 of Article X of the California Constitution.

15352. The board shall not approve any application to appropriate water for an interbasin transfer to any critical groundwater overdraft basin until the board has approved the management and implementation programs for the area pursuant to the requirements and provisions of Section 15346.

CHAPTER 7. EFFECT OF LOCAL ENTITIES

15360. Nothing in this part shall be construed to preempt or otherwise interfere with any existing authority of local public entities to manage, regulate, or otherwise provide for groundwater or the extraction of groundwater in areas which are not designated as critical groundwater overdraft areas by Section 15320.

CHAPTER 8. EXEMPTION FOR SMALL GROUNDWATER FACILITIES

15370. Any well which produces less than 75 gallons of water per minute shall be exempt from any requirement imposed by this part or as a result of the requirements of this part.

PART 5. MISCELLANEOUS PROVISIONS

15400. Notwithstanding any provisions of law to the contrary, every affected public entity in California shall, to the fullest extent possible, implement the policies and the provisions of this division.

15401. The board shall adopt regulations and take all appropriate actions before executive, legislative, or judicial agencies to enforce the policies and provisions of this division. Any person may petition the board to enforce the provisions of this division pursuant to procedures adopted by the board.

15402. (a) Any person may, within 60 days after final action by the board, file a petition for writ of mandate in the Superior Court in and for the County of Sacramento regarding the validity of any administrative action of the board in carrying out the provisions and policies of the division. Failure to file the petition within 60 days shall preclude any person from challenging the board's action in any administrative or judicial proceeding.

(b) Any person shall have standing to enforce the provisions of this division in a proceeding for declaratory or injunctive relief. Except as provided in subdivision (a), nothing in this section shall limit any other cause of action which may be available under other provisions of law.

(c) The board may request the Attorney General to seek injunctive relief and other appropriate judicial remedies in the Superior Court in and for the County of Sacramento when necessary to enforce the provisions and policies of this Division.

15403. This division may be amended or repealed by the procedures set forth in this section. If any portion of subdivision (a) is declared invalid, then subdivision (b) shall be the exclusive means of amending or repealing this division.

(a) This division may be amended to further its purpose by statute, passed in each house by roll call vote entered in the journal, a a majority of the membership concurring, and signed by the Governor, if at least 20 days prior to passage in each house the bill in its final form has been delivered to the board for distribution to the news media and to every person who has requested the board to send copies of those bills to him or her.

(b) This division may be amended or repealed by a statute that becomes effective only when approved by the electors.

15404. The people of the State of California find and declare that the policies and the provisions of this division are in furtherance of the policy of conservation and reasonable and beneficial use contained in Section 2 of Article X of the California Constitution and, being necessary for the health, safety, and welfare of the state and its inhabitats shall be liberally construed.

15405. If any provision of this division or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the division which can be given effect without the invalid provision or application, and to this end the provisions of this division are severable.

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